

FILED 07 SEP 10 08:42 USDC-ORF

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ROY L. DAVY,

Plaintiff,

06-CV-428-PK

ORDER

v.

GLADSTONE AUTO, LLC, an Oregon
Corporation, d/b/a/ Toyota of
Gladstone,

Defendant.

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BROWN, Judge.

Magistrate Judge Paul Papak issued Findings and Recommendation (#43) on July 16, 2007, in which he recommended this Court deny Defendant Gladstone Auto LLC's Motion for Summary Judgment (#23) as to Plaintiff's race discrimination and retaliation. The Magistrate Judge also recommended this Court grant Defendant's Motion for Summary Judgment as to Plaintiff's age-discrimination claim pursuant to the stipulation of the parties.

Defendant filed timely objections to the Findings and Recommendation (#45) as to Plaintiff's race discrimination and retaliation claims. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988); *McDonnell Douglas Corp. v. Commodore Business Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981), *cert. denied*, 455 U.S. 920 (1982).

Although the following facts did not affect the resolution of the Motions before the Court, the parties agree and the record

reflects the hiring dates for Robert Zobrist as General Manager of Thomason Toyota is August 4, 2005, and for Anthony Swafford is a Finance and Insurance Manager for Defendant is December 1, 2005.

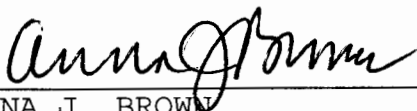
This Court has carefully considered Defendant's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also reviewed *de novo* the pertinent portions of the record and does not find any error in the Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#43) and, accordingly, **DENIES** Defendant's Motion for Summary Judgment as to Plaintiff's race discrimination and retaliation claims. The Court **GRANTS** Defendant's Motion for Summary Judgment as to Plaintiff's age-discrimination claim.

IT IS SO ORDERED.

DATED this 6th day of September, 2007.



ANNA J. BROWN
United States District Judge